

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

IN THE MATTER OF THE PETITION OF

AHIDA GABRIELLA AREVALO

TO PRESERVE AND PRODUCE VIDEO PURSUANT  
TO FEDERAL RULE OF CIVIL PROCEDURE 27

FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D. N.Y.  
★ AUG 01 2013 ★

MISC. 13 0600

LONG ISLAND OFFICE VERIFIED PETITION

BIANCO, J.

-----X

Petitioner, AHIDA GABRIELLA AREVALO ("AREVALO"), by her attorney, James J. Corbett, P.C., submits the following as and for her Petition pursuant to Federal Rule of Civil Procedure 27, and alleges the following:

1. AREVALO brings this petition for the pre-action production of surveillance video pursuant to Fed. R. Civ. P. 27.
2. **No application for similar relief has been made.**
3. AREVALO is a nineteen year old female and resides in Suffolk County in the State of New York.
4. Upon information and belief, Respondent, YPD, Inc. ("YPD"), is a New York State domestic corporation with its principal office located at 1817 Queen Street, Bellmore, New York.
5. Upon information and belief, Domino's Pizza, LLC ("Domino's") is a limited liability company with headquarters located at 30 Frank Lloyd Wright Dr., Ann Arbor, Michigan 48105.
6. At all times relevant herein, AREVALO was employed by YPD.
7. At all times relevant herein, AREVALO was employed by YPD as a team member for the Domino's Pizza store located at 730 Grand Boulevard, Deer Park, New York ("Deer Park Domino's").

8. At all times relevant herein, Deer Park Domino's was controlled and operated by Domino's.

9. At all times relevant herein, YPD was controlled and operated by Domino's.

#### JURISDICTION

10. This Court has jurisdiction of this matter by virtue of the fact that Petitioner intends to file an action in this Court alleging violation of Title VII of the Civil Rights Act of 1964, and Federal Rule of Civil Procedure 27 authorizes the relief sought herein.

#### PRELIMINARY STATEMENT

11. On July 31, 2013, AREVALO filed a verified complaint against YPD and Domino's with the New York State Department of Human Rights ("NYSDHR") alleging that she was sexually harassed in violation of New York State Executive Law 290 et seq and Title VII of the Civil Rights Act of 1964 ("Title VII"). The Complaint authorized the NYSDHR to accept service of the complaint on behalf of the United States Equal Employment Opportunity Commission ("EEOC"). A copy of the Complaint is attached hereto as Exhibit "A".

12. Upon conclusion of the investigation of the NYSDHR and/or EEOC and issuance of a Right to Sue Notice, AREVALO intends to file an action in the United States District Court for the Eastern District of New York against YPD and Domino's alleging violation of Title VII and other causes of action. The Title VII action is cognizable in a court of the United States as required under FRCP 27.

13. AREVALO cannot commence her action in the United States District Court for the Eastern District of New York at this time because she is required to first file a complaint with the EEOC. She cannot commence her action in this Court until the EEOC or NYSDHR issues a Right to Sue Notice.

14. AREVALO'S sexual harassment claims against YPD and Domino's include, but are not limited to, a sexual assault against AREVALO by YPD and Domino's employee, Justin.

AREVALO does not know Justin's last name. Justin is a male and approximately thirty five years old.

15. The sexual assault occurred in the customer counter area of the Deer Park Domino's in view of surveillance cameras. The sexual assault took place on or about July 7, 2013 at approximately between 12:00 a.m. and 1:00 a.m.

16. AREVALO has been informed by YPD assistant manager, Gabriel, that the video from the surveillance cameras is saved on a computer at the Deer Park Domino's and that the video is routinely deleted from the computer when the space on the computer allocated to the surveillance camera video is full. Gabriel told AREVALO that the surveillance video is deleted approximately every three months and, as of the middle of July 2013, the computer could store three more weeks of video before it will be full.

17. Accordingly, the video of the July 7, 2013 sexual assault is now stored on a computer at the Deer Park Domino's and it is anticipated to be deleted in the first week of August 2013.

18. Therefore, absent Court intervention, the video of the sexual assault will be deleted.

19. AREVALO respectfully requests that the Court issue an Order pursuant to Rule 27 of the Federal Rules of Civil Procedure directing YPD and Domino's to preserve and produce the surveillance camera video stored on the computer at the Deer Park Domino's, in order to ensure that such vital evidence is preserved for the legal action AREVALO intends to commence.

### FACTS

#### July 7, 2013 Sexual Assault Recorded By Surveillance Cameras

20. The Deer Park Domino's is a small storefront location. The front part of the store consists of a customer counter area and a pizza making area behind the counter. The customer

counter area and pizza making area are monitored by two surveillance cameras. The cameras record all that occurs in those areas of the store.

21. The surveillance camera video can be viewed and is stored on a computer that is in the office of the Deer Park Domino's. On many occasions, AREVALO walked by the office and saw the computer screen displaying video from the surveillance cameras.

22. Deer Park Domino's assistant manager, Gabriel, told AREVALO that the video from the surveillance cameras is stored on the computer in the office and that, approximately every three months, the video is routinely deleted from the computer when the space allocated for the video on the computer is full.

23. In or about the middle of July 2013, Gabriel told AREVALO that the video had about another three weeks before it would be deleted. Therefore, it is anticipated that the video will be deleted in the first week of August 2013.

24. On or about July 7, 2013, AREVALO leaned over the customer counter at the Deer Park Domino's and was talking to a co-worker and the assistant manager, Tony Quispe ("Tony"). Justin came in from outside and played a video of a girl making a biting motion with her mouth. Justin made a comment that the girl looks crazy and that she would "bite your dick off." He also said, "I bet she likes deep throat."

25. After Justin made those comments, Justin said to AREVALO, "What if I pull your hair and hump you?" Then, Justin grabbed AREVALO's hair and started humping her by thrusting his pelvic area into AREVALO's rear area while she was leaning over the counter.

26. The Deer Park Domino's assistant manager, Tony Quispe ("Tony"), and co-worker, Lamar, witnessed Justin do this to AREVALO.

27. That incident took place in view of the surveillance cameras and therefore was recorded and stored on a computer at the Deer Park Domino's.

28. According to Deer Park Domino's assistant manager, Gabriel, the video is scheduled to be deleted the first week of August 2013.

29. Therefore, the relief sought herein is necessary to preserve the video as evidence for the action AREVALO intends to commence in this Court.

30. Of additional concern is whether, upon being notified of this proceeding, the Deer Park Domino's management or Justin will take it upon themselves to delete the video. As set forth in the Petition and the exhibits attached thereto, Justin (1) sexually harassed Jennifer, the manager of the Deer Park Domino's (2) sexually harassed other workers in the presence of management, (3) attempted to cut off the pony tail of another employee in the presence of the Deer Park Domino's supervisor, and (4) regularly commented about the weapons he kept in the back of his car. Therefore, management at the Deer Park Domino's have little or no control over Justin and it is unlikely they could prevent Justin from deleting the video.

31. Based upon the allegations in AREVALO's Petition, management at the Deer Park Domino's did not conduct themselves professionally and may be at risk of losing their jobs. Therefore, they should not be entrusted with the very evidence upon which their jobs rely.

#### Other Incidents of Sexual Harassment

32. Other incidents of sexual harassment and the basis for liability against YPD and Domino's are set forth in detail in the Complaint AREVALO filed with NYSDHR, a true and accurate copy of which is attached hereto as Exhibit "A" and the affidavit of Dana Sausa, a copy of which is attached hereto as Exhibit "B". Below are some of the incidents alleged in the Complaint and Sausa Affidavit.

33. Shortly after AREVALO became employed by Respondents, Respondents employee, Justin, made comments about the way she looked. Justin would say to AREVALO, "You look good today." or "You look fresh today."

34. After AREVALO worked at Domino's for approximately three weeks, Justin started to call AREVALO "fat" and "chunky."

35. About that time, Justin told AREVALO that his girlfriend works in a porn shop and that she wants him to have a threesome with her friend. Justin showed AREVALO a picture of his girlfriend and said "my girlfriend's friend is going to let me do her hardcore and spank her."

36. Shortly after that, Justin said to AREVALO, "Do you get it every night from your boyfriend?" When AREVALO told Justin that it was none of his business, he responded, "Oh you're getting so aggressive with me. I like that."

37. On another occasion, Justin approached AREVALO and said to AREVALO, "I like to have my balls sucked." Then Justin asked AREVALO, "Will you lick them for me?" AREVALO told Justin to get away from her.

38. One day when AREVALO was in the kitchen putting a sauce bowl in the sink, Justin was talking with the delivery drivers. When AREVALO passed them, Justin said to her, "Gabby, stop. Have you seen a video in which a guy poops on two girls faces?" AREVALO replied, "No. Who would do that?" Justin said, "Come here let me show you." Justin then motioned with his hands that he wanted to show AREVALO the video. AREVALO told Justin "No." Justin responded, "Would you lick my ass? I will poop on your face and you will love it." AREVALO told Justin that he was disgusting and walked away.

39. On another occasion Justin asked AREVALO what her bra size was.

40. On another occasion, Justin said to AREVALO, "I want to do you in my car."

41. Upon information and belief, on another occasion, Justin was talking to Deer Park Domino's manager, Jennifer Flores ("Flores"), about female orgasms. When Respondents' employee Dana Sausa ("Sausa") walked by, Justin said to her, "Do you squirt when you orgasm?" Jennifer was standing next to Justin when he said that to Sausa. Jennifer did not

reprimand or address Justin for making that comment. Rather, Jennifer continued her conversation with Justin.

42. On another occasion, Justin said to Jennifer, "Are you getting fucked enough from Jose [Jennifer's husband]?" Justin also asked Jennifer, "Have you been fucked in the ass before?"

43. Upon information and belief, on another occasion, Justin asked Sausa, "Would you fuck Jennifer?"

44. Upon information and belief, when Jennifer interviewed Sausa for employment at the Deer Park Domino's, Jennifer told Sausa that there was a guy who worked there who was difficult to get along with. The guy Jennifer was referring to was Justin.

45. On or about June 26, 2013, while AREVALO was going to the refrigerator, Justin said to her, "Yo, come here." Then, Justin pulled AREVALO into him and rubbed his chest on AREVALO's and said, "I want to feel your tits and my tits together. Let's rub them." AREVALO pushed Justin away from her and told him to back off.

46. On another occasion, Justin said to AREVALO, "Did you ever use a vacuum to suck your pussy?" AREVALO responded, "No." Justin replied, "It makes my dick hard when it sucks my balls."

47. Justin frequently makes sexual comments to everyone in the work area. These comments can be heard by all persons in the area, including the manager and assistant manager. One such occasion was when AREVALO was working on the pizza making line and Justin said to everyone in the area, "I fucked a girl so hard that when she came it was like a shit full of pee." On other such occasions he would comment about how big his dick is and how good he is at sex and the weapons in his car.

48. On or about July 10, 2013 Justin said to AREVALO, "How many penises have you ingested." On that same day, Justin said to AREVALO, "I swear to God, Dana [Sausa] has

penis.” AREVALO said, “No.” Justin responded, “How do you know.” AREVALO said, “I know because she is my friend.” Justin said, “Maybe Dana [Sausa] and her boyfriend are a transsexual couple. Her boyfriend could be a woman with a mustache.”

49. On or about July 10, 2013, Jovana, a seventeen year old co-worker at the Deer Park Domino’s told AREVALO that the approximately thirty five year old Justin sexually harassed her and she complained to the assistant manager, Tony, and Tony did not pay much attention to her.

50. As set forth in detail in the Complaint attached hereto as Exhibit “A”, management personnel at the Deer Park Domino’s witnessed many of the incidents of sexual harassment and the hostile work environment claimed by AREVALO. The management personnel condoned the sexual harassment and failed to take adequate measures to prevent the sexual harassment.

51. Also, as set forth in detail in the Complaint attached hereto as Exhibit “A”, AREVALO and other workers at the Deer Park Domino’s complained to management personnel about the sexual harassment and hostile work environment. The management personnel condoned the sexual harassment and failed to take adequate measures to prevent the sexual harassment.

52. Upon information and belief, management personnel informed Justin that AREVALO complained about his sexual harassment.

53. On July 11, 2013, Justin said to AREVALO, “Snitches get stitches.”

54. Justin further sexually harassed AREVALO and created a hostile work environment at the Deer Park Domino’s.

55. The aforementioned is not a complete rendition of all the incidents of sexual harassment and AREVALO’s basis for liability against Respondents, and the Court is




respectfully referred to AREVALO's Complaint filed with NYSDHR, a copy of which is attached hereto as Exhibit "A".

56. All of the aforementioned caused humiliation, pain and suffering, mental and psychological pain and anguish.

57. Accordingly, it is respectfully requested that the Court issue an Order pursuant to Rule 27 of the Federal Rules of Civil Procedure directing YPD and Domino's to preserve and produce the surveillance video stored on the computer at the Domino's located at 730 Grand Boulevard, Deer Park, New York so as to ensure that such vital evidence is preserved for the legal action AREVALO intends to commence.

Dated: Bellmore, New York  
July 31, 2013

Yours, etc,

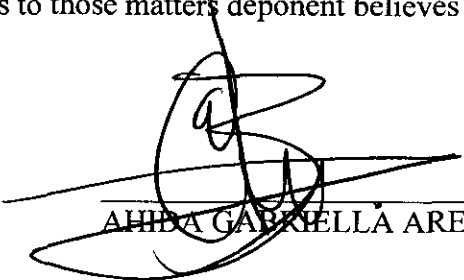
A handwritten signature in black ink, appearing to be "J. Corbett", written over a horizontal line.

James J. Corbett, Esq.  
James J. Corbett, P.C. (JC6658)  
***Attorney for Petitioner,  
Ahida Gabriella Arevalo.***  
254 Pettit Avenue  
Bellmore, New York 11710  
(516) 679-9494


STATE OF NEW YORK     )  
  ss.:  
COUNTY OF NASSAU     )

**AHIDA GABRIELLA AREVALO**, being duly sworn, deposes and says:

That deponent, **AHIDA GABRIELLA AREVALO**, is the Petitioner in the within action; that deponent has read the foregoing **VERIFIED PETITION** and knows the content thereof; the same is true to deponent's knowledge, except as to matters therein stated to be alleged on information and belief, and that as to those matters deponent believes them to be true.

  
\_\_\_\_\_  
**AHIDA GABRIELLA AREVALO**

Sworn to before me this  
31<sup>st</sup> day of July, 2013

  
\_\_\_\_\_  
Notary Public

**JAMES J. CORBETT**  
Notary Public, State of New York  
No. 02CO5034138  
Qualified in Nassau County  
Commission Expires March 20, 20<sup>15</sup>

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Exhibit A

STATE OF NEW YORK EXECUTIVE DEPARTMENT  
STATE DIVISION OF HUMAN RIGHTS

-----X  
NEW YORK STATE DIVISION OF HUMAN RIGHTS on the  
Complaint of

**AHIDA GABRIELLA AREVALO,**

**VERIFIED COMPLAINT**

Complainant,

v.

**DOMINO'S PIZZA, LLC and YPD, INC.**

Respondents.  
-----X

**RECEIVED**

**JUL 31 2013**

Hempstead Regional Office

Complainant, **AHIDA GABRIELLA AREVALO**, complaining of the Respondents,  
**DOMINO'S PIZZA, LLC and YPD, INC**, alleges the following:

1. **Complainant, AHIDA GABRIELLA AREVALO ("AREVALO"), resides at 54 Crown Street, Deer Park, New York 11729.**
2. **AREVALO's mailing address is 400 Half Hollow Road, Deer Park, New York 11729.**
3. Upon information and belief, Respondent, YPD, Inc. ("YPD"), is a New York State domestic corporation with its principal office located at 1817 Queen Street, Bellmore, New York.
4. Upon information and belief, Respondent, DOMINO'S PIZZA, LLC ("DOMINO'S"), is a foreign limited liability company.
5. Upon information and belief, DOMINO'S headquarters is located at 30 Frank Lloyd Wright Dr., Ann Arbor, Michigan 48105.

6. Upon information and belief, DOMINO's registered agent for service in New York State is CT Corporation, 111 Eighth Avenue, New York, NY 10011.

7. At all times herein relevant, AREVALO was employed by Respondents, YPD and DOMINO'S, as a team member for the Domino's Pizza store located at 730 Grand Boulevard, Deer Park, New York ("Deer Park Domino's").

8. At all times herein relevant, Respondent, YPD was controlled and operated by Respondent, DOMINO'S.

9. At all times herein relevant, the Deer Park Domino's was controlled and operated by Respondent, DOMINO'S.

10. During the course of AREVALO's employment with Respondents, YPD and DOMINO'S, Respondents unlawfully discriminated against her based upon sex in violation of Article 15 of the Executive Law of the State of New York (Human Rights Law), New York State Executive Law Section 290 et seq, and Title VII of the Civil Rights Act of 1964. Complainant authorizes the New York State Department of Human Rights to accept this verified complaint on behalf of the U.S. Equal Employment Opportunity Commission ("EEOC") and to forward this verified complaint to the EEOC subject to the statutory limitations contained in the aforementioned laws.

11. The date the most recent or continuing discrimination took place is July 11, 2013.

12. Complainant, AREVALO, has not commenced any other civil action, nor does she have an action pending before any administrative agency, under any State or local law, based upon this same unlawful discriminatory practice.

13. At all times herein relevant, Jennifer Flores ("Jennifer") was the general manager of the Deer Park Domino's.

14. At all times herein relevant, Tony Quispe ("Tony") was an assistant manager of the Deer Park Domino's.

15. AREVALO started her employment with Respondents at the Deer Park Domino's in or around March 2013.

16. Shortly after AREVALO became employed by Respondents, Respondents employee, Justin, made comments about the way she looked. Justin would say to AREVALO, "You look good today." or "You look fresh today."

17. AREVALO does not know Justin's last name. Justin is a male and is approximately 35 years old.

18. After AREVALO worked at Domino's for approximately three weeks, Justin started to call AREVALO "fat" and "chunky."

19. About that time, Justin told AREVALO that his girlfriend works in a porn shop and that she wants him to have a threesome with her friend. Justin showed AREVALO a picture of his girlfriend and said "my girlfriend's friend is going to let me do her hardcore and spank her."

20. Shortly after that, Justin said to AREVALO, "Do you get it every night from your boyfriend?" When AREVALO told Justin that it was none of his business, he responded, "Oh you're getting so aggressive with me. I like that."

21. On another occasion, Justin approached AREVALO and said to AREVALO, "I like to have my balls sucked." Then Justin asked AREVALO, "Will you lick them for me?" AREVALO told Justin to get away from her.

22. One day when AREVALO was in the kitchen putting a sauce bowl in the sink, Justin was talking with the delivery driver, Francis, and others. When AREVALO passed them, Justin said to her, "Gabby, stop. Have you seen a video in which a guy poops on two girls faces?" AREVALO replied, "No. Who would do that?" Justin said, "Come here let me show you." Justin then motioned with his hands that he wanted to show AREVALO the video. AREVALO told Justin "No." Justin responded, "Would you lick my ass? I will poop on your face and you will love it." AREVALO told Justin that he was disgusting and walked away.

23. On another occasion Justin asked AREVALO what her bra size was.

24. On another occasion, Justin was sitting in his car getting ready to go on a delivery. The car was in the Deer Park Domino's parking lot and the car door was open. Justin said to AREVALO, "Come here get on top of me, I want to do you in my car. I like the way your ass shakes in those leggings."

25. Upon information and belief, in or about late May 2013, Justin was talking to Deer Park Domino's general manager, Jennifer, about female orgasms. When Respondents' employee, Dana Sausa ("Sausa"), walked by, Justin said to her, "Do you like girls who squirt?" and then he said to her, "Do you squirt?" Jennifer was standing next to Justin when he said that and Jennifer heard what Justin said. Jennifer did not reprimand or address Justin for making those comments. Rather, Jennifer continued her conversation with Justin.

26. In or about the beginning of June 2013, Justin asked Jennifer, "Are you getting fucked enough from Jose [Jennifer's husband]?" Then Justin asked Jennifer, "Have you been fucked in the ass before?" Jennifer ignored Justin and said to AREVALO, "Jose does it really good." Jennifer then said to AREVALO, "The first time it hurt but it feels good after that."

27. Upon information and belief, on a number of occasions, Justin and Deer Park Domino's delivery person, Lamar, asked Sausa, "Would you fuck Jennifer?"

28. Upon information and belief, on another occasion Justin chased Sausa with a scissor while saying to Sausa that he was going to cut off her pony tail. This incident was witnessed by Deer Park Domino's supervisor, Jose Flores.

29. Upon information and belief, when Jennifer interviewed Sausa for employment at the Deer Park Domino's, Jennifer told Sausa that there was a guy who worked there who was difficult to get along with. The guy Jennifer was referring to was Justin.

30. On another occasion, Justin said to AREVALO, "Did you ever use a vacuum to suck your pussy?" AREVALO responded, "No." Justin replied, "It makes my dick hard when it sucks my balls."

31. Upon information and belief, on another occasion, Justin said to Sausa, "Does your boyfriend beat you enough?" He also said, "I'm going to chloroform you and marry you." Sausa complained to Deer Park Domino's, general manager, Jennifer, and assistant manager, Tony, about the incident. Jennifer said to Sausa, "Ignore him." Sausa told Jennifer you need to do something about him.

32. On or about June 26, 2013, while AREVALO was going to the refrigerator, Justin said to her, "Yo, come here." Then, Justin pulled AREVALO into him and rubbed his chest on



AREVALO's breasts and said, "I want to feel your tits and my tits together. Let's rub them." During this incident, Justin pulled AREVALO really close to him and held her tight and AREVALO could feel Justin's penis pushed against her body. AREVALO pushed Justin away from her and told him to back off.

33. On or about July 7, 2013, AREVALO leaned over the customer counter at the Deer Park Domino's and was talking to co-worker, Lamar, and assistant manager, Tony. Justin came in from outside and played a video of a girl making a biting motion with her mouth. Justin made a comment that the girl looks crazy and that she would "bite your dick off." He also said, "I bet she likes deep throat."

34. After Justin made those comments, Justin said to AREVALO, "What if I pull your hair and hump you?" Then, Justin grabbed AREVALO's hair and started humping her by thrusting his pelvic area into AREVALO's rear area while she was leaning over the counter. The Deer Park Domino's assistant manager, Tony, and co-worker, Lamar, witnessed Justin do this to AREVALO.

35. Justin frequently made sexual comments to everyone in the work area. These comments can be heard by all persons in the area, including the manager and assistant manager. One such occasion was when AREVALO was working on the pizza making line and Justin said to everyone in the area, "I fucked a girl so hard that when she came it was like a shit full of pee." On other such occasions he would comment about how big his dick is and how good he is at sex and the weapons in his car.

36. On or about July 9, 2013, AREVALO told Jennifer about the July 7, 2013 incident whereby Justin humped AREVALO in the area of the customer counter and that she did not like Justin's sexual harassment. Jennifer giggled and said "I'll talk to him, girl."

37. Upon information and belief, Jennifer informed Justin of AREVALO's conversation with her.

38. On or about July 10, 2013, Justin said to AREVALO, "How many penises have you ingested." On that same day, Justin said to AREVALO, "I swear to God, Dana [Sausa] has a penis." AREVALO said, "No." Justin responded, "How do you know." AREVALO said, "I know because she is my friend." Justin said, "Maybe Dana [Sausa] and her boyfriend are a transsexual couple. Her boyfriend could be a woman with a mustache."

39. On or about July 10, 2013, Jovana, a seventeen year old co-worker at the Deer Park Domino's told AREVALO that Justin sexually harassed her and she complained to the assistant manager, Tony, and Tony did not pay much attention to her.

40. On July 11, 2013, Justin said AREVALO, "Snitches get stitches." That was a direct threat from Justin to AREVALO as retaliation for AREVALO informing Jennifer of the July 7, 2013 sexual assault.

41. On or about July 18, 2013, Sausa and AREVALO both spoke to Jennifer and the store supervisor, Jose Flores ("Jose"), about Justin's conduct and the hostile work environment at the Deer Park Domino's. Jose said he would take care of it. Jose is Jennifer's husband.

42. Prior to Justin working at the Deer Park Domino's, Jose worked at the Wyandanch Domino's with Justin.

43. Prior to July 18, 2013, Jose was aware that Justin sexually harassed Domino's workers.

44. Upon information and belief, on or about July 23, 2013, Lamar asked Sausa if she wanted to watch a pornographic video. Sausa said "I don't want to see that." Then Lamar showed Sausa the video of a woman thrusting a cigar into her vagina. The assistant manager, Tony, was approximately 8 feet away from Lamar and Sausa at that time and knew what was going on and therefore he was aware that Lamar was showing Sausa a pornographic video.

45. Upon information and belief, on or about July 29, 2013, Sausa told Jennifer that Sausa no longer wanted to work at the Deer Park Domino's because she no longer wanted to endure the sexual harassment. Jennifer acknowledged that Justin sexually harassed workers and offered Sausa a raise.

46. Upon information and belief, on that same day, Sausa spoke with Deer Park Domino's supervisor, Jose, about sexual harassment at the Deer Park Domino's. Jose told Sausa that he could see that Sausa felt uncomfortable when Justin would make comments to her and harass her, but he did not do anything because she did not complain to him. He also said that when workers are harassed they should complaint to the assistant manager or manager.

47. All of the aforementioned sexual harassment directed at AREVALO was unwelcome.

48. Justin further sexually harassed AREVALO and created a hostile work environment at the Deer Park Domino's.

49. All of the aforementioned caused humiliation, pain and suffering, mental and psychological pain and anguish.

50. Management and supervisory personnel for the Deer Park Domino's were aware Justin sexually harassed workers, including AREVALO.

51. Management and supervisory personnel for the Deer Park Domino's reasonably should have been aware that Justin sexually harassed workers, including AREVALO.

52. Management and supervisory personnel for the Deer Park Domino's condoned Justin's sexual harassment and failed to take appropriate remedial action.

53. Respondents condoned Justin's sexual harassment and failed to take appropriate remedial action.

54. Based upon the aforementioned, AREVALO suffered a hostile work environment.

55. Respondents were aware of the hostile work environment and failed to take appropriate remedial action.

56. Based upon the aforementioned, the work environment was permeated with discriminatory intimidation that was sufficiently severe or pervasive to alter the conditions of AREVALO's work environment.

#### FIRST CAUSE OF ACTION AGAINST RESPONDENTS

57. Complainant repeats, reiterates and realleges each and every allegation set forth in the entirety of this complaint, with the same force and effect as though fully set forth at length herein.

58. Based on the foregoing, Complainant, AREVALO, charges the above named Respondents with unlawful discriminatory practice relating to employment because of sex and sexual harassment in violation of the New York State Human Rights Law (Executive Law Section 290 et seq).

59. By reason of the foregoing, AREVALO seeks compensatory damages, plus the costs of this proceeding, as well as other damages.

**SECOND CAUSE OF ACTION AGAINST RESPONDENTS**

60. Complainant repeats, reiterates and realleges each and every allegation set forth in the entirety of this complaint, with the same force and effect as though fully set forth at length herein.

61. Based on the foregoing, Complainant, AREVALO, charges the Respondents with violating Title VII of the Civil Rights Act of 1964, as amended.

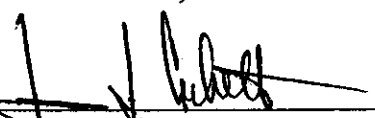
62. By reason of the foregoing, AREVALO seeks compensatory damages, punitive damages, attorneys' fees, the costs of this action, as well as other damages.

63. WHEREFORE, plaintiff demands judgment on all her causes of action against the respondents for compensatory damages, plus punitive damages and reasonable attorneys' fees together with the interest, costs and disbursements of this action.

Dated: Bellmore, New York  
July 30, 2013

Yours etc.,

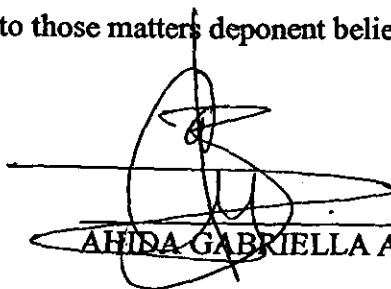
JAMES J. CORBETT, PC

By:   
James J. Corbett  
*Attorney for Complainant,*  
*Ahida Gabriella Arevalo*  
254 Pettit Avenue  
Bellmore, NY 11710  
(516) 679-9494

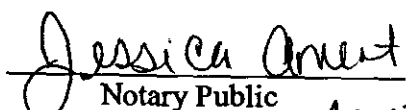
STATE OF NEW YORK     )  
  ss.:  
COUNTY OF NASSAU     )

**AHIDA GABRIELLA AREVALO**, being duly sworn, deposes and says:

That deponent, **AHIDA GABRIELLA AREVALO**, is the Complainant in the within action; that deponent has read the foregoing **VERIFIED COMPLAINT** and knows the content thereof; the same is true to deponent's knowledge, except as to matters therein stated to be alleged on information and belief, and that as to those matters deponent believes them to be true.

  
\_\_\_\_\_  
**AHIDA GABRIELLA AREVALO**

Sworn to before me this  
30<sup>th</sup> day of July, 2013

  
\_\_\_\_\_  
Notary Public *Arment*  
JESSICA LANG  
Notary Public, State of New York  
No. 01LA6151998 *Nassau*  
Qualified in *Suffolk* County  
Commission Expires August 28, 2014

**EXHIBIT B**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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IN THE MATTER OF THE PETITION OF

Case No.:

AHIDA GABRIELLA AREVALO

**AFFIDAVIT OF DANA SAUSA**

TO PRESERVE AND PRODUCE VIDEO PURSUANT  
TO FEDERAL RULE OF CIVIL PROCEDURE 27

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DANA SAUSA, being duly sworn, deposes and says:

1. I submit this affidavit in support of the Petition of Ahida Gabriella Arevalo ("AREVALO") for an order directing YPD, Inc. ("YPD") and Domino's Pizza, LLC ("Domino's") to preserve and produce video evidence pursuant to Fed. R. Civ. P. 27.
2. I am a nineteen year old female and I reside in Suffolk County in the State of New York.
3. I am employed by YPD as a team member for the Domino's Pizza store located at 730 Grand Boulevard, Deer Park, New York ("Deer Park Domino's").
4. There are two surveillance cameras at the Deer Park Domino's that record all that occurs in the front counter area of the store.
5. It is my understanding that the video from the surveillance cameras is stored on a computer in the office of the Deer Park Domino's and the video is deleted about every three months.



6. There is a great deal of sexual harassment at the Deer Park Domino's. Most of the sexual harassment is carried out by Domino's and YPD employee, Justin. I do not know Justin's last name. Justin is approximately thirty five years old.

7. The Deer Park Domino's general manager, assistant manager and supervisor are aware of the sexual harassment and have witnessed many incidents of sexual harassment.

8. Some of the incidents of sexual harassment directed at me are set forth below.

9. In or about late May 2013, Justin was talking to Deer Park Domino's general manager, Jennifer, about female orgasms. When I walked by, Justin said to me, "Do you like girls who squirt?" Then Justin said to me, "Do you squirt?" Jennifer was standing next to Justin when he said that and Jennifer heard what Justin said. Jennifer did not reprimand or address Justin for making those comments. Rather, Jennifer continued her conversation with Justin.

10. On a number of occasions, Justin and Deer Park Domino's delivery person, Lamar, asked me, "Would you fuck Jennifer?"

11. On another occasion, Justin chased me with a scissor while saying to me that he was going to cut off my pony tail. This incident was witnessed by Deer Park Domino's supervisor, Jose Flores.

12. When Jennifer interviewed me for employment at the Deer Park Domino's, Jennifer told me that there was a guy who worked there who was difficult to get along with. The guy Jennifer was referring to was Justin.

13. On another occasion, Justin said to me, "Does your boyfriend beat you enough?" He also said, "I'm going to chloroform you and marry you." I complained to Deer Park Domino's, general manager, Jennifer, and assistant manager, Tony, about the incident. Jennifer told me, "Ignore him." I told Jennifer that she needed to do something about him.

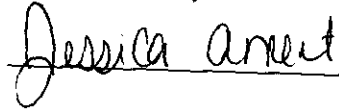
14. On or about July 23, 2013, Lamar asked me if I wanted to watch a pornographic video. I said "I don't want to see that." Then Lamar showed me the video of a woman thrusting a cigar into her vagina. The assistant manager, Tony, was approximately 8 feet away from us at that time and knew what was going on and therefore he was aware that Lamar was showing me a pornographic video.

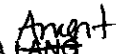
15. On or about July 29, 2013, I told Jennifer that I no longer wanted to work at the Deer Park Domino's because I no longer wanted to endure the sexual harassment.

16. On that same day, I spoke with Deer Park Domino's supervisor, Jose, about sexual harassment at the Deer Park Domino's. Jose told me that he could see that I felt uncomfortable when Justin would make comments to me and harass me, but he did not do anything because I did not complain to him. He also said that when workers are harassed they should complain to the assistant manager or manager.

  
DANA SAUSA

Sworn to before me this  
30<sup>th</sup> day of July 2013

  
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JESSICA LANG  
Notary Public, State of New York  
No. 01LA6151998 Nassau  
Qualified in Suffolk County  
Commission Expires August 28, 2014